



Planning,
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Gateway determination report – PP-2021-2000

Goulburn Mulwaree Heritage Housekeeping Planning
Proposal

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Contents

1	Planning proposal.....	1
1.1	Overview.....	1
1.2	Objectives of planning proposal	1
1.3	Explanation of provisions	1
1.4	Site description and surrounding area.....	2
1.5	Mapping.....	2
2	Need for the planning proposal	2
3	Strategic assessment	2
3.1	Regional Plan	2
3.2	Local.....	3
3.3	Section 9.1 Ministerial Directions	4
3.4	State environmental planning policies (SEPPs)	5
4	Site-specific assessment	5
4.1	Environmental.....	5
4.2	Social and economic.....	5
5	Consultation.....	6
5.1	Community	6
5.2	Agencies.....	6
6	Timeframe	6
7	Local plan-making authority	6
8	Assessment summary	6
9	Recommendation.....	6

1 Planning proposal

1.1 Overview

Table 1 Planning proposal details

LGA	Goulburn Mulwaree
PPA	Goulburn Mulwaree
NAME	Planning proposal for housekeeping review of heritage items in Schedule 5 of Goulburn Mulwaree LEP 2009 (0 homes, 0 jobs)
NUMBER	PP-2021-2000
LEP TO BE AMENDED	Goulburn Mulwaree LEP 2009
ADDRESS	Various
DESCRIPTION	Various
RECEIVED	18/02/2021
FILE NO.	IRF21/1296
POLITICAL DONATIONS	There are no donations or gifts to disclose and a political donation disclosure is not required
LOBBYIST CODE OF CONDUCT	There have been no meetings or communications with registered lobbyists with respect to this proposal

1.2 Objectives of planning proposal

The planning proposal contains objectives and intended outcomes that adequately explain the intent of the proposal.

The objectives of the planning proposal are to:

- amend the Goulburn Mulwaree LEP 2009 to ensure the legal property descriptions, locations and lot and deposit plan numbers of heritage items located within the LGA are correctly identified within Schedule 5 of the LEP and associated heritage maps; and
- separate multiple heritage items which currently fall under one identification number which have no discernible relationship to one another.

The objectives of this planning proposal are clear and adequate.

1.3 Explanation of provisions

The planning proposal seeks to amend Schedule 5 Environmental heritage of the Goulburn Mulwaree LEP 2009 and amend relevant heritage maps.

The planning proposal provides an explanation of provisions, including an updated Schedule 5 list (Appendix 1) and proposed changes to heritage maps (Appendices 4 and 5) that adequately explains how the objectives of the proposal will be achieved.

Although Council has provided an updated Schedule 5, the proposed updates/corrections to existing heritage items are unclear. It is recommended that a Gateway condition is included requiring the planning proposal to be revised to clearly show the specific updates/corrections to Schedule 5 such as via track changes to the updated Schedule 1 list provided in Appendix 1 of the planning proposal.

1.4 Site description and surrounding area

The planning proposal applies to various sites across the Goulburn Mulwaree LGA.

1.5 Mapping

The planning proposal includes mapping showing the proposed changes to existing heritage maps, which are suitable for community consultation.

Council has consulted DPIE geographical information team on the proposal to split a number of existing heritage items into a number of separate unrelated item numbers. GIS team did not raise any issues with the proposal.

2 Need for the planning proposal

The planning proposal states the proposal is needed to implement the outstanding recommendations from Council's 2018 Heritage Study Review to update and correct errors in existing heritage items in Schedule 5 "Environmental Heritage" in the Goulburn Mulwaree LEP 2009, namely:

- removal of items demolished or found not to be within the LGA.
- separating heritage listings with multiple items into single items with consequential renumbering on the LEP heritage maps.
- updating address details and lot and DP numbers to ensure accuracy; and
- amending maps to ensure they accurately reflect boundaries of heritage items.

The planning proposal is also needed to implement Council's Local Strategic Planning Statement heritage vision and planning principle for heritage which seek to protect and conserve cultural heritage in the LGA. The reasons provided by Council for the planning proposal are supported.

It is considered that the planning proposal is the appropriate mechanism to facilitate the required amendments to the Goulburn Mulwaree LEP 2009.

3 Strategic assessment

3.1 Regional Plan

The following table provides an assessment of the planning proposal against relevant aspects of the South East and Tablelands Regional Plan.

Table 4 Regional Plan assessment

Regional Plan Objectives	Justification
Goal 3: Healthy and connected communities. Direction 23: Protect the region's heritage.	The planning proposal is consistent with Goal 3 and Direction 23 because it seeks to update the Schedule 5 Environmental heritage list on the Goulburn Mulwaree LEP 2009 which will enhance protection of heritage and provide greater accuracy and certainty for stakeholders during the development assessment process.

3.2 Local

The proposal states that it is consistent with the following local plans and endorsed strategies. It is also consistent with the strategic direction and objectives, as stated in the table below:

Table 6 Local strategic planning assessment

Local Strategies	Justification
Goulburn Mulwaree Local Strategic Planning Statement	<p>Council states the planning proposal is consistent with the heritage vision provided in Council's LSPS which seeks to ensure "Goulburn Mulwaree's cultural heritage is conserved, actively adapted for use (where appropriate) and celebrated".</p> <p>The proposal is also considered consistent with the heritage planning principle provided in the LSPS to "maintain planning provisions to protect and conserve heritage items".</p> <p>Council's view that the planning proposal is consistent with its LSPS is supported for the reasons provided in the planning proposal.</p>
The Tablelands Regional Community Strategic Plan 2036	The planning proposal states it is consistent with the Tablelands Regional Community Strategic Plan, in particular Strategy CO4 – "Recognise and celebrate our diverse cultural identities and protect and maintain our community's natural and built heritage". Council's view that the planning proposal is consistent with the Tablelands Regional Community Strategic Plan is supported for the reasons provided in the planning proposal.

3.3 Section 9.1 Ministerial Directions

The planning proposal's consistency with relevant section 9.1 Directions is discussed below:

Table 7 9.1 Ministerial Direction assessment

Directions	Consistent/ Not Applicable	Reasons for Consistency or Inconsistency
Direction 2.1 – Environment Protection Zones	Yes	The Direction requires planning proposals to include provisions that facilitate the protection and conservation of environmentally sensitive areas. Council's view that the planning proposal is consistent with the Direction because it does not seek to amend or reduce environmental protection standards is supported.
Direction 2.3 – Heritage Conservation	Yes	The Direction requires planning proposals to contain provisions that facilitate the conservation of items, places, buildings, works, relics, moveable objects or precincts of environmental heritage. Council's view that the planning proposal is consistent with the Direction because it seeks to update address and descriptions of already listed heritage items which will better facilitate their conservation is supported.
Direction 5.2 – Sydney Drinking Water Catchment	Yes	The Direction requires planning proposals to protect water quality in the Sydney drinking water catchment (which includes the entire Goulburn Mulwaree LGA). It requires council to consult with WaterNSW on planning proposals within the Sydney Drinking Water catchment and to reflect WaterNSW's comments in the planning proposal prior to seeking a Gateway determination. Council considers that the planning proposal is consistent with the Direction because it relates only to updating details and mapping of existing items and does not seek to change any other provisions. Council therefore did not consider consultation with WaterNSW necessary. Due to the minor housekeeping nature of the planning proposal, it is considered that any inconsistency with the Direction's requirement to consult WaterNSW is of minor significance. It is noted that the proposal does not seek to affect the range of permissible land uses or development potential of rural land.
Direction 5.10 Implementation of Regional Plans	Yes	The Direction requires planning proposals to be consistent with the relevant regional plan. As discussed in section 3.1 of this report the planning proposal is consistent with the South East and Tablelands Regional Plan and therefore also with the Direction.
Direction 6.1 – Approval and Referral Requirements	Yes	The Direction requires planning proposals to minimise the inclusion of provisions that require the concurrence, consultation or referral of DAs to a Minister or public authority. Council's view that the planning proposal is consistent with the Direction is supported because it does not include any provisions requiring the concurrence, consultation or referral of DAs.

3.4 State environmental planning policies (SEPPs)

The planning proposal is consistent with all relevant SEPPs as discussed in the table below.

Table 8 Assessment of planning proposal against relevant SEPPs

SEPPs	Requirement	Consistent/ Not Applicable	Reasons for Consistency or Inconsistency
SEPP (Primary Production and Rural Development) 2019	The SEPP aims to facilitate the economic use and development of rural land for primary production, reduce rural land use conflict, identify state significant agricultural land and encourage sustainable agriculture.	Consistent	The planning proposal is minor housekeeping in nature, does not seek to create any new heritage items in rural areas nor seeks to affect the range of permissible land uses on rural land.
SEPP (Sydney Drinking Water Catchment) 2011	The SEPP requires that development consent cannot be granted in the Sydney drinking water catchment unless there is a neutral or beneficial effect on water quality.	Consistent	The planning proposal is minor housekeeping in nature and is unlikely to result in a negative impact on water quality. Future development of the heritage items affected by the planning proposal will need to address the requirements of the SEPP at the DA stage.

4 Site-specific assessment

4.1 Environmental

The planning proposal states that it will not impact on critical habitat or threatened species, populations or ecological communities or their habitats as a result of the change to the details of the existing heritage items. Council's view that the planning proposal will have minimal environmental impact is supported.

4.2 Social and economic

The planning proposal states that it will have largely positive social effects in ensuring the precise identification and protection of heritage items through the up to date and accurate heritage item descriptions and mapping.

The planning proposal states that it will not result in adverse economic effects as no new items or provisions are proposed.

Council's view that the planning proposal will not have any social or economic impacts is supported for the reasons provided in the proposal.

5 Consultation

5.1 Community

Council proposes a community consultation period of 14 days.

Given the large number of heritage items and maps proposed to be updated, the exhibition period proposed is considered inadequate. It is considered a 28-day consultation period is appropriate and forms the conditions of the Gateway determination.

5.2 Agencies

Council has not nominated any public agencies to be consulted about the planning proposal.

Given the minor housekeeping nature of the planning proposal, it is considered that agency consultation is not required.

6 Timeframe

Council proposes a 9-month time frame to complete the LEP.

The Department recommends a time frame of 12 months due to ensure sufficient time to finalise the planning proposal and draft and finalise an LEP.

7 Local plan-making authority

As the planning proposal is a housekeeping matter of local significance, the Department recommends that Council be authorised to be the local plan-making authority for this proposal.

8 Assessment summary

The planning proposal is supported to proceed with conditions for the following reasons:

- it is a minor housekeeping proposal that will facilitate the update/correction of the existing Schedule 5 “Environmental Heritage” list in the Goulburn Mulwaree LEP 2009 thereby improving the conservation of the heritage items; and
- it is consistent with the South East and Tablelands Regional Plan and Council’s LSPS and the Tablelands Community Strategic Plan.

Based on the assessment outlined in this report, the proposal should be updated before consultation to:

- Clarify the proposed changes to Schedule 5 such as providing track changes in the updated Schedule 5 list provided in Appendix 1.

9 Recommendation

It is recommended the delegate of the Secretary agree that any inconsistency with section 9.1 Direction 5.2 Sydney Drinking Water Catchments is minor or justified.

It is recommended the delegate of the Minister determine that the planning proposal should proceed subject to the following conditions:

1. The planning proposal is to be updated to clarify proposed changes to Schedule 5 “Environmental Heritage” such as by providing track changes in the updated Schedule 5 list provided in Appendix 1 of the planning proposal.

2. Consultation is not required with any public authorities:
3. The planning proposal should be made available for community consultation for a minimum of 28 days.
4. The timeframe for completing the LEP is to be 12 months from the date of the Gateway determination.
5. Given the nature of the proposal, Council should be authorised to be the local plan-making authority.



8/3/21

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